

JUN 26 2007

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ATTORNEYS AT LAW

Intellectual Property—patents,  
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Curtis B. Herbert, Ph.D.

## FACSIMILE COVER SHEET

TOTAL NUMBER OF PAGES BEING SENT: 5

[ ] Original documents to follow by mail [X] No originals will be sent

DATE: June 26, 2007

TO: Examiner Darlene Brown (Appeal Brief Review)  
Examiner Mark Ruthkosky  
Group Art Unit 1745

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612.746.3006 faxApplication No.: 09/845,985  
Applicant: Chaloner-Gill et al.  
Due Date: July 25, 2007

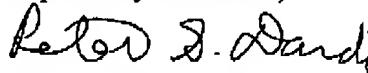
OUR REF.: 2950.20US01

FROM: Peter S. Dardi, Ph.D.  
PHONE #: 404-949-5730

Attached please find the following for filing in the above-identified application.

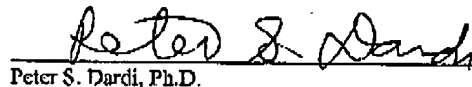
(1) Response to Notification of Non-Compliant Appeal Brief with two corrected pages.

Respectfully submitted,

Peter S. Dardi, Ph.D.  
Registration No. 39,650

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office, Fax No. 571-273-8300 on the date shown below.

June 26, 2007  
Date  
Peter S. Dardi, Ph.D.

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**JUN 26 2007**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of:

Attorney Docket No.: 2950.20US01

Chaloner-Gill et al.

Confirmation No.: 2942

Application No.: 09/845,985

Examiner: Mark Ruthkosky

Filed: April 30, 2001

Group Art Unit: 1745

For: PHOSPHATE POWDER COMPOSITIONS AND METHODS FOR FORMING  
PARTICLES WITH COMPLEX ANIONS

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**RESPONSE TO NOTICE OF NON-COMPLAINT APPEAL BRIEF**

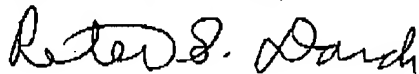
Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant thanks Examiner Brown for the courtesy extended to their undersigned representative in a phone interview today. Examiner Brown clarified that two pages needed correcting in the brief. Also, Examiner Brown indicated that only the two corrected pages needed to be submitted. These two pages are attached.

In view of the attached pages, the brief is ready for consideration.

Respectfully submitted,



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Application No.: 09/845,985

*Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 50-3863.*

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June 26, 2007  
Date

Peter S. Dardi  
Peter S. Dardi, Ph.D.

**REAL PARTY IN INTEREST**

NanoGram Corporation, a corporation organized under the laws of the state of Delaware, and having offices at 165 Topaz St., Milpitas, California, has acquired the entire right, title and interest in and to the invention, the application, and any and all patents to be obtained therefore, as per the Assignment, recorded at Reel 013434, Frame 0292 from the inventors to NeoPhotonics Corporation (then named NanoGram Corporation) and an assignment from NeoPhotonics Corporation to NanoGram Corporation, recorded at Reel 013957, Frame 0076. Note that NeoPhotonics Corporation was formerly called NanoGram Corporation, and the present NanoGram Corporation was previously a wholly owned subsidiary of NeoPhotonics Corporation following the formal name change. The present NanoGram Corporation is now an independent corporation.

**RELATED APPEALS AND INTERFERENCES**

The assignee of the present application has several other applications presently on appeal. However, none of these appeals are related to the present appeal with respect to the same references. However, Appellant's pending appeal of application serial number 09/435,748 has similar issues relating to indefiniteness. Since no other decided appeals are related in any relevant way to the present appeal, no earlier opinions are attached in the Related Appeals Appendix.

**STATUS OF CLAIMS**

Claims 1-3, 6-9, 12, 14-21, 48-50, 52-56 and 58-61 are pending, and all of the pending claims stand rejected. Claims 4, 5, 10, 11, 13, 22-47, 51 and 57 have been canceled. The pending claims are listed in the Claims Appendix. All pending claims are being appealed.

**RELATED PROCEEDINGS APPENDIX**

None